

REMARKS

Claims 1-25 are currently pending in the application. Claims 1, 14 and 23-25 have been amended. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 11, 17, and 19 stand objected to as being dependent upon a rejected base claim, but have been indicated as allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's indication of allowable subject matter.

Claims 23-25 stand rejected under 35 U.S.C § 101 on the basis that the claimed invention is directed to non-statutory subject matter. Claims 23-25 have been amended in an effort to address this rejection. Applicant respectfully submits that amended claims 23-25 are directed to a statutory article of manufacture. Applicant respectfully requests that the rejection of claims 23-25 be withdrawn.

Claims 1-2, 10, and 12-13 stand rejected under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 6,920,579 to Cramer ("Cramer"). Independent claim 1 relates to an application monitoring and disaster recovery management system. Applicant respectfully submits that the cited reference fails to teach or suggest at least one of the distinguishing features of independent claim 1, namely, a management server, executing a monitoring and management server module, that is in communications with a primary server and a secondary server. In addition, the cited reference fails to disclose a graphical user interface, in communication with the monitoring and management server module, capable of allowing a user to perform a failure switch-over from a primary computing environment to a secondary computing environment for an application in a single action.

Cramer discloses a method for operating a file server system in a cluster mode that provides for relatively rapid and reliable takeover by one file server of another. A first filer, operating within a cluster, may operate in a takeover mode when initiated by a system operator to take over the file services provided by a second filer in the cluster. A cluster interconnect link

provides communication between the filers to transfer state information, including file service logs and other information, and to issue and receive commands between the filers.

The Office Action asserts that a management server, executing a monitoring and management server module, that is in communications with a primary server and a secondary server, is taught by Figure 1, element 400 of Cramer. Applicant respectfully disagrees. According to Cramer, each filer has a failover monitor 400 that continuously checks and records the status of hardware and software associated with the filer. In Cramer, each filer has an individual failover monitor 400. In contrast to Cramer, according to claim 1, a management server is in communication with both a primary server and a secondary server. In addition, Cramer does not disclose performing a failure switch-over from the primary computing environment to the secondary computing environment for an application in a single action. Applicant respectfully submits that independent claim 1 distinguishes over Cramer and is in condition for allowance. Withdrawal of the rejection of independent claim 1 is respectfully requested.

Dependent claims 2, 10, and 12-13 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 2, 10, and 12-13 distinguish over Cramer and are in condition for allowance. Withdrawal of the rejection of dependent claims 2, 10, and 12-13 is respectfully requested.

Claims 3-4, 14-16, 18, 20, and 23-24 have been rejected under 35 U.S.C § 103(a) as being unpatentable over Cramer in view of U.S. Patent No. 6,115,743 to Cowan ("Cowan").

Dependent claims 3-4 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 3-4 distinguish over Cramer and Cowan and are in condition for allowance. Withdrawal of the rejection of dependent claims 3-4 is respectfully requested.

Independent claim 14 relates to a method for providing a user with an application monitoring and disaster recovery management tool. Applicant respectfully submits that the cited reference fails to teach, suggest, or obviate at least one of the distinguishing features of

independent claim 14, namely, a management server wherein the management server is in communication with a primary computing environment and a secondary computing environment.

The Office Action asserts that a management server, executing a monitoring and management server module, that is in communications with a primary computing environment and a secondary computing environment, is taught by Figure 1, element 400 of Cramer. Applicant respectfully disagrees. According to Cramer, each filer has a failover monitor 400 that continuously checks and records the status of hardware and software associated with the filer. In Cramer, each filer has an individual failover monitor 400. In contrast to Cramer, according to claim 1, a management server is in communication with both a primary computing environment and a secondary computing environment. The secondary reference of Cowan fails to cure the deficiencies of Cramer noted above. Applicant respectfully submits that independent claim 14 distinguishes over Cramer and Cowan and is in condition for allowance. Withdrawal of the rejection of independent claim 14 is respectfully requested.

Dependent claims 15-16, 18, and 20 depend from and further restrict independent claim 14 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 14, dependent claims 15-16, 18, and 20 distinguish over the combination of Cramer and Cowan and are in condition for allowance. Withdrawal of the rejection of dependent claims 15-16, 18, and 20 is respectfully requested.

Independent claim 23 relates to a computer program product comprising a computer usable medium having control logic stored therein for causing a computer to provide a user with an application monitoring and disaster recovery management tool. Applicant respectfully submits that the cited reference fails to teach, suggest, or obviate at least one of the distinguishing features of independent claim 23, namely, fourth computer readable program code for causing the computer to perform a failure switch-over from a primary computing environment to a secondary computing environment having a secondary server capable of executing an application in response to a single action input received from a user via a graphical user interface, wherein the single action is a button click by the user on the graphical user interface. The feature of a single action input received from a user via a graphical user interface,

wherein the single action is a button click by the user on the graphical user interface has been indicated by the Examiner as allowable. Applicant respectfully submits that independent claim 23 distinguishes over Cramer and Cowan and is in condition for allowance. Withdrawal of the rejection of independent claim 23 is respectfully requested.

Dependent claims 24 depends from and further restricts independent claim 23 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 23, dependent claim 24 distinguishes over the cited combination of Cramer and Cowan and is in condition for allowance. Withdrawal of the rejection of dependent claim 24 is respectfully requested.

Claims 5-6 and 8 have been rejected under 35 U.S.C § 103(a) as being unpatentable over Cramer in view of U.S. Patent No. 6,378,129 to Zetts ("Zetts"). Dependent claims 5-6 and 8 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 5-6 and 8 distinguish over the cited references and are in condition for allowance. Withdrawal of the rejection of dependent claims 5-6 and 8 is respectfully requested.

Claim 7 has been rejected under 35 U.S.C § 103(a) as being unpatentable over Cramer in view of Zetts and further in view of U.S. Patent No. 5,608,865 to Midgely ("Midgely"). Dependent claim 7 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 7 distinguishes over the cited references and is in condition for allowance. Withdrawal of the rejection of dependent claim 7 is respectfully requested.

Claim 9 has been rejected under 35 U.S.C § 103(a) as being unpatentable over Cramer in view of Zetts and further in view of Cowan. Dependent claim 9 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 9 distinguishes over the cited references and is in condition for allowance. Withdrawal of the rejection of dependent claim 9 is respectfully requested.

Claim 21 has been rejected under 35 U.S.C § 103(a) as being unpatentable over Cramer in view of Cowan and further in view of Zetts. Dependent claim 21 depends from and further restricts independent claim 14 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 14, dependent claim 21 distinguishes over the cited references and is in condition for allowance. Withdrawal of the rejection of dependent claim 21 is respectfully requested.

Claim 22 has been rejected under 35 U.S.C § 103(c) as being unpatentable over Cramer in view of Cowan and further in view of Midgely. Dependent claim 22 depends from and further restricts independent claim 14 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 14, dependent claim 22 distinguishes over the cited references and is in condition for allowance. Withdrawal of the rejection of dependent claim 22 is respectfully requested.

Claim 25 has been rejected under 35 U.S.C § 103(a) as being unpatentable over Cramer in view of Cowan and further in view of U.S. Patent Publication No. 2002/0138612 to Sekizawa ("Sekizawa"). Dependent claim 25 depends from and further restricts independent claim 23 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 23, dependent claim 25 distinguishes over the cited references and is in condition for allowance. Withdrawal of the rejection of dependent claim 25 is respectfully requested.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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